

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

GARY FLETT,

Plaintiff,

vs.

ELDON VAIL and MAGGIE  
MILLER-STOUT,

Defendants.

NO. CV-09-0091-CI

**ORDER ADOPTING REPORT AND  
RECOMMENDATION TO DENY DISMISSAL**

Magistrate Judge Imbrogno filed a Report and Recommendation on February 24, 2010, recommending Defendants' Motion to Dismiss be denied and Defendants be directed to serve and file an Answer. (Ct. Rec. 41.) Objections to the Report and Recommendation were due on March 10, 2010. There being no objections to the Report and Recommendation, the Court **ADOPTS** the Report and Recommendation. Defendants' Motion to Dismiss (Ct. Rec. 12) is **DENIED**, and Defendants are directed to serve and file within thirty days of this Order.

**IT IS SO ORDERED.** The District Court Executive shall forward copies of this Order to Plaintiff and counsel for Defendants.

**DATED** this 26<sup>th</sup> day of April 2010.

s/ Edward F. Shea

EDWARD F. SHEA

United States District Judge

Q:\Civil\2009\0091.adoptRR.dismiss.wpd

ORDER ADOPTING REPORT AND RECOMMENDATION - 1